

RESOLUTION 13-2004

BRIDGE ACCESS POLICY ON COUNTY ROADS

WHEREAS, the Attorney General of the State of Montana issued Opinion 13, Volume 48, which held that the public may gain access to streams and rivers by using the bridge, its right-of-way, and its abutments, and

WHEREAS, the Board of Madison County Commissioners recognizes the importance of following the above Attorney General's Opinion, and

WHEREAS, the Board of Madison County Commissioners is concerned with safety by keeping livestock off the county roads and with moving livestock across the bridges, and

WHEREAS, fences from the edge of the road right-of-way to the bridge guard rails provide safety and convenience, and

WHEREAS, the Board has heard and considered public comments from both the landowners adjacent to the bridge sites and from sportsmen wanting safe accesses at the bridge sites,

NOW THEREFORE BE IT RESOLVED that the Board of Madison County Commissioners establishes the following policy concerning bridge access on county roads:

- Landowners are to remove orange paint and no trespassing signs in county road rights-of-way.
- An adjacent landowner or representative, the Commissioner from the District in which the bridge is located, and one representative designated by the Sportsmen, will meet on site to determine the best place to install one or more gates, ladders, or other apparatus for access to the river.
- Landowners may apply for an "Encroachment Permit" to keep the other fences connected to the bridge guard rails or abutments. The permit is attached and is a part of this resolution. The permit will be filed by the County.
- Sportsmen Groups will provide the necessary gates, posts, ladders, etc. needed for the access as required by the County Commissioner from the District in which the bridge is located.
- The County will install the access apparatus.
- The County may provide and install warning and/or no parking signs in areas deemed to be dangerous.
- Sportsmen Groups will be asked to find "adopt a road" volunteers for cleanup around these bridge sites.
- Sportsmen will initiate a self education program for proper access of waterways and staying within the high water marks.
- Sportsmen are asked to police themselves and report trespassing violations on private property.
- In cooperation with the Sheriff and County Attorney, the County will cite and prosecute trespassers on private property in accord with state law.

APPROVED BY THE BOARD OF COMMISSIONERS THIS 21st DAY OF APRIL, 2004.

C. TED COFFMAN, CHAIRMAN

FRANK G. NELSON

DAVID SCHULZ